

MEMORIAL

OF A NUMBER

OF MERCHANTS AND UNDERWRITERS, OF PHILADELPHIA,

PRAYING

An alteration of the laws regulating the admiralty courts of the United States, in relation to salvages on wrecked property.

MAY 21, 1838.

Referred to the Committee on the Judiciary, and ordered to be printed.

To the honorable the Senate and House of Representatives in Congress assembled :

The undersigned merchants and underwriters, residents of Philadelphia, in consequence of the course heretofore pursued by the United States admiralty court established at Key West, have suffered much loss in consequence of premature sales of wrecked property carried into that place, which have been ordered by the court, and thus have been deprived of all chance of saving the sacrifice that in most cases would be saved if we had time sufficient allowed to send an agent out with funds to pay the salvage awarded by the court, in cases where a specific sum might be given to purchase the property, in competition with the residents there, where it was of such a mixed character as would make it necessary to sell the same. If the court had established what we deem the equitable rule in all cases, of awarding salvage in kind, where the articles were susceptible of a just distribution among the claimants, your memorialists would have less reason to complain ; but the course usually pursued is not only to order a large salvage to be paid, but to direct that the property shall be speedily sold to pay such salvage, so that by the time we hear of the disaster the whole mischief is done, and not unfrequently the loss arising from the sacrifice of the property amounts to more than the loss by the shipwreck, provided the salvage was paid in kind. Therefore, your memorialists pray that your honorable bodies would pass such laws as would make it imperative in all the courts of the United States to award salvages in kind on all the wrecked property which may be libelled for salvage. Also, that the law may be so altered as to prevent the sale of wrecked property at Key West, or at any place within that district, whether libelled or not, for the space of sixty days from the time the same may be landed at Key West, unless the same is in a

perishable condition, or unless the owner, or agent, or attorney of the owner, other than the master of the vessel, shall be present and request or assent to such sale.

CONDY RAGUET,
President of the Atlantic Insurance Company.

WM. YOUNG,
President United States Insurance Company.

WILLIAM CRAIG,
President American Ins. Company of Phila.

DAVID LEWIS,
President Phoenix Ins. Company of Phila.

JACOB SULGER, JR.,
President Marine Ins. Company of Phila.

RICHARD S. SMITH,
President Union Insurance Company of Phila.

SIMEON TOBY,
President Ins. Co. of the State of Pennsylvania.

SAMUEL KEITH,
President Delaware Ins. Company of Phila.

JOHN C. SMITH,
President Ins. Company of North America.

J. R. BURDEN,
President Fire and Marine Ins. Company.

PHILADELPHIA, May 19, 1838.

The undersigned merchants and underwriters, residents of Philadelphia, in consequence of the course heretofore pursued by the United States admiralty court established at Key West, have suffered much loss in consequence of premature sales of wrecked property carried into that place, which have been ordered by the court, and thus have been deprived of all chance of saving the sacrifice that in most cases would be saved if we had time sufficient allowed to send an agent out with funds to pay the salvage awarded by the court, in cases where a specific sum might be given to purchase the property in competition with the residents there, where it was of such a mixed character as would make it necessary to sell the same. If the court had established what we deem the equitable rule in all cases of awaiting salvage in kind, where the articles were susceptible of a just distribution among the claimants, your memorialists would have less reason to complain; but the course usually pursued is not only to order a large salvage to be paid, but to direct that the property shall be speedily sold to pay such salvage, so that by the time we hear of the disaster the whole mischief is done, and not unrequently the loss arising from the sacrifice of the property amounts to more than the loss by the shipwreck, provided the salvage was paid in kind. Therefore, your memorialists pray that your honorable bodies would pass such laws as would make it imperative in all the courts of the United States to award salvages in kind on all the wrecked property which may be libelled for salvage. Also, that the law may be so altered as to prevent the sale of wrecked property at Key West, or at any place within that district, whether libelled or not, for the space of sixty days from the time the same may be landed at Key West, unless the same is a